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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,973	01/25/2002	Tominari Araki	UNIU51.001AUS	3883

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EXAMINER	
DICUS, TAMRA	

ART UNIT	PAPER NUMBER
1774	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/056,973	ARAKI ET AL.	
	Examiner	Art Unit	
	Tamra L. Dicus	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-51* is/are pending in the application.

4a) Of the above claim(s) *10-51* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 10-21, 25-40, and 44-51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6654085 to Koike et al. in view of USPN 3,763,356 to Berler as previously set forth in the Office Action mailed 04/06/05.

Claims 22-24, and 41-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over. USPN 6654085 to Koike et al. in view of USPN 3,763,356 to Berler and further in view of USPN 4,812,034 to Mochizuki et al. as previously set forth in the Office Action mailed 04/06/05.

The rejections are reiterated below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-21, 25-40, and 44-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6654085 to Koike et al. in view of USPN 3,763,356 to Berler.

Koike teaches a front scattering film with peelable substrate and peelable protective films (34) and (54) from optical retardation film (31) or optical polarizer film (51). See Figures 6-7 and Example 2. The substrates are of transparent films such as triacetyl cellulose (col. 6, lines

10-15). Because the peelable film is removed, it is considered easy-releasing. Koike teaches multilayer optical films described above are removable to laminate to liquid crystals to obtain a liquid crystal display.

Koike teaches an optical member comprising a polarizing plate or retardation plate, (instant claims 13, 20-21, and 39-40) and separator adhered to an optical member via an adhesive layer (instant claims 14-15 and 33-34). Koike teaches peelable protective films (34) and (54) adjacent optical retardation film (31) or optical polarizer film (51). Underlying polarizer (51) and retardation (31) is separators (33) and (53) with adhesives (32) and (52) lying therebetween. See Figures 6-7, Example 2, and col. 2, lines 15-35 of Koike.

Koike teaches the adhesive and easy-releasing member thicknesses as per instant claims 16 and 35. Koike teaches the adhesive thickness is 10 microns in Example 2, falling within Applicants range of between 1 and 500 microns of instant claims 16 and 35.

Koike does not state the thickness of easy-releasing member (claims 17-19 and 36-38). However, it would have been obvious to one of ordinary skill in the art to produce a thickness as claimed, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272. Thickness effects the strength.

Koike does not teach the easy-releasing protective member comprises ink where ink emits fluorescence (claims 12 and 31), specifically having a transmittance of 95% or optical transmittance of a portion without ink in the protective member is no less than 80% (instant claims 11, 30) or no less than 90% and up to 100% and not less than 92%, 94% and 96% of transmittance without ink (claims 25-27 and 44-46). Koike does not teach the optical member is

different with or without portions (instant claims 28 and 47). Koike does not teach an arbitrarily formed component such as a character, figure, sign, or color (instant claims 48-51).

Berler teaches an optical readable member (col. 1, line 5) containing printed fluorescent ink imprinted on transparent substrates such as cellulose acetate (col. 3, lines 15-31) for identifying purposes (Berler, Abstract, col. 2, lines 20-35, col. 4, lines 1-27, lines 54-55). The fluorescent ink is irradiated by UV light (col. 2, lines 30-35 and col. 5, lines 20-30). Berler teaches fluorescent ink provides color and information and is equivalent to an arbitrarily formed component such as a character, figure, sign, or color (instant claims 48-51) for projecting a fluorescent color dependent upon the light spectrum (col. 3, lines 29-68). To instant claims 28 and 47, that an optical member is different with or without ink on it is provided for by Berler because Berler has ink on portions and non-ink portions via printing, which is a difference.

It would have been obvious to one of ordinary skill in the art to have modified the optical member of Koike to include ink as recited in instant claims 10-11, 25-28, 30, 44-51 because Berler teaches printed fluorescent ink imprinted on transparent substrates such as cellulose acetate (col. 3, lines 15-31 of Berler) for identifying purposes, fluorescent ink also provides color and information and is equivalent to an arbitrarily formed component such as a character, figure, sign, or color for projecting a fluorescent color dependent upon the light spectrum (col. 3, lines 29-68 of Berler), and because the ink is printed, a difference is achieved as cited above. The same transparent material and same fluorescent ink are used and thus would inherently have the transmittance with and without ink as recited in instant claims 10-11, 25-27, 30, and 44-46.

Claims 22-24, and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over. USPN 6654085 to Koike et al. in view of USPN 3,763,356 to Berler and further in view of USPN 4,812,034 to Mochizuki et al.

Koike and Berler is relied upon above.

Koike does not teach a brightness-enhanced, linearly reflective polarizer, or chlosteric liquid crystal layer or plates of instant claims 22-24 and 41-43.

Mochizuki teaches a projection type liquid crystal display device. Mochizuki uses a cholesteric-nematic phase transition type liquid crystal (equivalent to linearly reflective polarizer/chlosteric liquid crystal layer of instant claims 23-24 and 42-43) with positive dielectric anisotropy used in a projection type liquid crystal display device sealed between transparent substrates 13 and 14 and transparent electrodes 15 and 16 (col. 4, lines 9-20). See Figures 2a and 2b. Mochizuki provides the advantage of using this type of liquid crystal allows for a bright and high information contents display with a compact (equivalent to brightness-enhanced plate of instant claims 22 and 41), light, and low cost device and allows machinery input and thus simultaneous display at remote places, such as remote conference rooms or remote notice boards, in bright locations. The liquid crystal panel contains substrates. See Abstract, col. 2, lines 1-35, and col. 4, lines 37-40.

It would have been obvious to one of ordinary skill in the art to modify the combination of Koike and Berler to include a linearly reflective polarizer and/or chlosteric liquid crystal layer because Mochizuki teaches including such material allows a bright and high information contents display with a compact, light, and low cost device and allows machinery input and thus

simultaneous display at remote places, such as remote conference rooms or remote notice boards, in bright locations as cited above.

Response to Arguments

Applicant's arguments filed 06-16-05 have been fully considered but they are not persuasive.

Applicant alleges the combination of Koike and Berler provide no motivation and that Berler does not teach optical elements like Koike. The Applicant has not made a persuasive argument because the instant claims are to an optical element and does not exclude the optical elements found in Berler.

Secondly, to Applicant's allegations toward Berler not providing motivation to apply fluorescent ink to a releasable member, Berler was used to show the need to add to an optical element having the same substrate of cellulose acetate as Koike's peelable or non-peelable substrate of the same cellulose acetate (col. 5, line 66-col. 6, line 6 of Koike) has been provided with ink to identify or encode the optical element using the same fluorescent ink as Applicant (col. 1, lines 5-10, lines 65-66, col. 2, lines 20-25, and col. 3, lines 15-23 of Berler). The secondary reference is used to show printing on top of a cellulose acetate substrate is performed for identification purposes and the primary reference is used to teach the structure. Thus, as previously set forth, it would have been obvious to one of ordinary skill in the art to have modified the optical member of Koike to include ink as recited in instant claims 10-11, 25-28, 30, 44-51 because Berler teaches printed fluorescent ink imprinted on transparent substrates such as cellulose acetate (col. 3, lines 15-31 of Berler) for identifying purposes, fluorescent ink also

provides color and information and is equivalent to an arbitrarily formed component such as a character, figure, sign, or color for projecting a fluorescent color dependent upon the light spectrum (col. 3, lines 29-68 of Berler), and because the ink is printed, a difference is achieved as cited above.

Applicant argues Berler's document can only be read if a certain correct orientation reader is used, however, what machine is used to read a document is of no consequence as this is not claimed and Applicant does not exclude a reader from the instant claims.

Applicant argues Koike does not require or suggest adding information on a releasable film, and is completely silent to identifying means. However, as previously set forth, Berler is used to teach this requirement on a same material optical element for identification and thus does not teach away from the invention as asserted.

Despite Applicant's contentions to the use of the element and the transmittance of ink portion, the same transparent material and same fluorescent ink are used and thus would inherently have the transmittance with and without ink as recited in instant claims 10-11, 25-27, 30, and 44-46.

Applicant argues the ink information for identification in the instant invention is for high-precision inspection and preventing pollution, however, Applicant has not proven the optical element would not work for the possibility of preventing pollution and damage as asserted.

Mochizuki is still used to teach including a linearly reflective polarizer and/or chlosteric liquid crystal layer allows a bright and high information contents display with a compact, light, and low cost device and allows machinery input and thus simultaneous display at remote places,

such as remote conference rooms or remote notice boards, in bright locations See Abstract, col. 2, lines 1-35, col. 4, lines 9- 20 and col. 4, lines 37-40.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

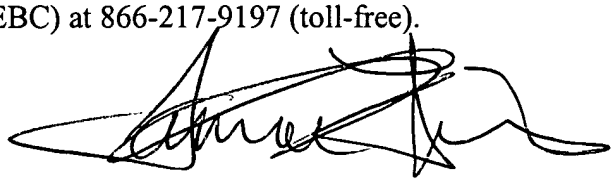
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 9/16/05

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tamra L. Dicus
Examiner
Art Unit 1774

September 7, 2005